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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,560	09/15/2003	Mario Meggiolan	CAM3-PT048	4498

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EXAMINER

STORMER, RUSSELL D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,560	Applicant(s) MEGGIOLAN ET AL.	
	Examiner Russell D. Stormer	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27,36-56,59 and 60 is/are pending in the application.
- 4a) Of the above claim(s) 11,24,47 and 49-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,12-23,25-27,37-44,46,48,52-56,59 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/19/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. In the previous office action, claim 48 was inadvertently omitted from both the list of the elected claims and the list of the claims being withdrawn from consideration. However, claim 48 was examined on the merits in paragraph 11. It is clear that claim 48 should have been listed with the elected claims being examined on the merits.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. There is no description of the "transverse contact" between the spoke attachment element and the side of the rim as now set forth in claims 1 and 18. Further, there is no description of the plates being able to engage the seat "in either of two orientations" as set forth in claim 37.

See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-10, 12-14, 59, 60, 18-23, 25-27, 37-44 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a

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way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no description of the spoke attachment element being fixed "due to transverse contact between the spoke attachment element and the side of the rim" as now set forth in claims 1 and 18.

There is no description of the plates being able to "effectively engage the seats in either of two orientations 180 degrees from each other" as now set forth in claim 37.

This is a new matter rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 12, 13, 15-23, 25, 26, 28, 37-44, 46, 48, 53-57, 59, and 60 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Altenburger.

See the embodiment of figures 6-10.

As shown in figures 6 and 7, the outer portions of the anchor elements 32 transversely contact the sides of the rim. With respect to claim 37, the anchor elements may be oriented in either of two directions 180 degrees apart. See figures 8 and 10.

With respect to claim 57, the limitation of the "kit" is afforded no patentable weight.

3. Claims 1, 3-6, 18, 28, 37-39, and 46 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Okajima et al.

The abutment portions 86a and 86b (86b is mislabeled 866 in figure 8) are considered to provide "transverse contact" between the element 48 and the sides of the rim as shown in figure 8, as the term "transverse contact" is broadly recited. See figures 4, 5, and 8.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 2, 7, 8, 15, 16, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frommann.

It would have been obvious to those of ordinary skill in the art to modify the spoke anchoring elements of Frommann to be oriented 90 degrees from the positions shown, and to modify the slots in the rim accordingly without straying from the teachings of Frommann. Such a modification would eliminate the transverse slots in the rim and would a stronger rim as a result.

See especially the embodiment of figures 1-4.

7. Claims 14, 27, 45, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altenburger in view of Japanese document 60-38201

To provide a gasket around the spoke attachment elements to seal the rim is well-known and would have been obvious as taught by Japanese '201 in order to allow a tubeless tire to be mounted on the rim, or to prevent water and foreign material from entering the rim.

Response to Arguments

8. Applicant's arguments filed September 19, 2005 have been fully considered but they are not persuasive.

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It is felt that the structure of the rim and spoke assemblies of Altenburger and Okajima et al meet the limitations of the claims as amended. Frommann has been applied under 35 USC 103 as a result of the amendments to the claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It was noticed that the Campagnolo 2001/0019222 reference cited in the IDS filed December 19, 2003 was improperly cited. The correct citation is provided with this office action.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/18/05


RUSSELL D. STORMER
PRIMARY EXAMINER
11/18/05